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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/285,934	04/02/1999	RANDY UBILLOS	004860.P2292	4312

7590

08/15/2002

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EXAMINER

NGUYEN, CAO H

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 08/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/285,934

Applicant(s)
Ubillos

Examiner
Cao "Kevin" Nguyen

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2173



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Apr 2, 1999
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final. 2nd
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. Claims 1-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Valdez, Jr. (US Patent No. 6,426,778).

Regarding claim 1, Valdez, Jr. discloses displaying an edited time based stream of information of a source media (see Abstract); and transferring said edited time based stream to a sequential storage device using an icon, wherein said icon represents a function to be performed on said sequential storage device (see col. 6, lines 5-40).

Regarding claim 2, Valdez, Jr. discloses editing between said source media and a destination media using a three point edit (see col. 7-8, lines 1-67).

Regarding claim 3, Valdez, Jr. discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to a portion of a window, said window having at least one icon; said icon performing a function on said sequential device by default (see col. 17, lines 39-67 and col. 18, lines 1-64).

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Regarding claim 4, Valdez, Jr. discloses wherein transferring said edited time based stream comprises transferring said edited time based stream to said icon, said icon performing said function on said sequential device (see figures 6A-6C).

Regarding claim 5, Valdez, Jr. discloses wherein transferring said edited time based stream comprises clicking said icon with a cursor control device, said icon performing said function on said sequential device (see col. 19, lines 30-67).

Regarding claim 6, Valdez, Jr. discloses wherein said function is one of an insert edit, an assembly edit and a preview edit (see col. 20, lines 1-64).

Regarding claim 7, Valdez, Jr. discloses black and coding a tape contained in said sequential device (see figures 3A-4).

Regarding claims 8 and 9, Valdez, Jr. discloses using a timecode indicator to position a playhead of said sequential storage device; and using one of a mark in icon and a mark out icon to position a playhead of said sequential storage device (see col. 21, lines 1-67).

As per claims 10-23 are apparatus claims that corresponds to a method claims 1-9, and thus are rejected for the aforementioned reason.

Regarding claim 24, Valdez, Jr. discloses computing device including a first circuitry configured to transfer said edited time based stream to said sequential storage device using said icon (see col. 18, lines 12-64).

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Regarding claim 25, Valdez, Jr. a discloses a second circuitry configured to perform a three point editing between said source media and a destination media (see figures 4-8).

Claims 26-30, Valdez, Jr. discloses a second circuitry configured to perform a three point editing between said source media and a destination media; a third circuitry configured to insert edit said edited time based stream to said sequential storage device using said icon; a fourth circuitry configured to assembly edit said edited time based stream to said sequential storage device using said icon; a fifth circuitry configured to preview edit said edited time based stream using said icon (see col. 23-24, lines 1-67).

As per claims 31-39 are method claims that corresponds to apparatus claims 1-9, and thus are rejected for the aforementioned reason.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (PTO-892).

Response

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

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Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).


Inquires

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Cabeza, can be reached on (703) 308-3116. The fax number for this group is (703) 308-6606.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.


Cao (Kevin) Nguyen

Primary Examiner (AU 2173)
August 11, 2002

